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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,867	10/30/2003	George Paskalov	100798.0008US1	2026
24392	7590	08/22/2007		
FISH & ASSOCIATES, PC ROBERT D. FISH 2603 Main Street Suite 1050 Irvine, CA 92614-6232			EXAMINER WONG, EDNA	
			ART UNIT 1753	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/698,867	Applicant(s) PASKALOV ET AL.	
	Examiner Edna Wong	Art Unit 1753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is in response to the Amendment dated July 24, 2007. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

Response to Arguments

Election/Restrictions

This application contains claims **1-11** drawn to an invention nonelected without traverse in the reply filed on February 13, 2007. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action.

Specification

The disclosure has been objected to because of minor informalities.

The objection of the disclosure has been withdrawn in view of Applicants' amendment.

Claim Rejections - 35 USC § 102/103

Claims **12-14 and 18** have been rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Laroussi** (US Patent No. 5,876,663).

The rejection of claims 12-14 and 18 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Laroussi has been

withdrawn in view of Applicants' amendment.

Claim Rejections - 35 USC § 103

I. Claims **15 and 20** have been rejected under 35 U.S.C. 103(a) as being unpatentable over **Laroussi** (US Patent No. 5,876,663) as applied to claims 12-14 and 18 above, and further in view of **Ubelhor** (US Patent No. 6,379,539 B1).

The rejection of claims 15 and 20 under 35 U.S.C. 103(a) as being unpatentable over Laroussi (US Patent No. 5,876,663) as applied to claims 12-14 and 18 above, and further in view of Ubelhor has been withdrawn in view of Applicants' amendment.

II. Claims **16 and 17** have been rejected under 35 U.S.C. 103(a) as being unpatentable over **Laroussi** (US Patent No. 5,876,663) as applied to claims 12-14 and 18 above.

The rejection of claims 16 and 17 under 35 U.S.C. 103(a) as being unpatentable over Laroussi as applied to claims 12-14 and 18 above has been withdrawn in view of Applicants' amendment.

III. Claim **19** has been rejected under 35 U.S.C. 103(a) as being unpatentable over **Laroussi** (US Patent No. 5,876,663) as applied to claims 12-14 and 18 above.

The rejection of claim 19 under 35 U.S.C. 103(a) as being unpatentable over Laroussi as applied to claims 12-14 and 18 above has been withdrawn in view of

Applicants' amendment.

Response to Amendment

Claim Rejections - 35 USC § 112

I. Claims **12-20** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

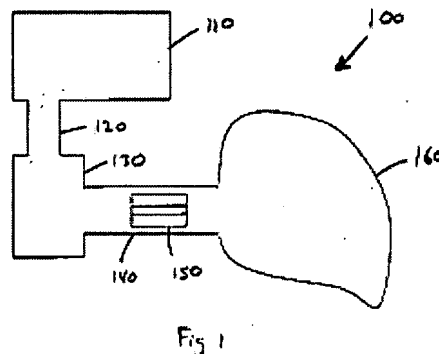
Claim 12

line 7, recites "without subjecting the waste directly to the plasma".

Applicants' specification, pages 1-6, does not mention without subjecting the waste directly to the plasma in the method. Thus, there is insufficient written description to inform a skilled artisan that applicant was in possession of the claimed invention as a whole at the time the application was filed.

However, there is sufficient written description for flowing the waste into conduit **140** where it is carried past the waves of the RF plasma generator **150** (page 4, lines 22-23). The conduit, which is substantially water tight, carries the fluid waste past the waves allowing it to be ***subjected to the waves*** for an amount of time that is sufficient to inactivate or kill a substantial amount of the microorganisms in the waste (page 5, lines 5-8).

As shown in Applicants' Fig. 1:



the conduit **140** carries the waste in the vicinity of the RF plasma wave generator **150**. The waste would have been subjected directly to the waves produced by the RF plasma generator **150**.

The Examiner has carefully considered the entire specification as originally filed, however, there is found no literal support in the specification for the newly added limitation in amended claim 12. Applicants have not provided the page number and line numbers from the specification as to where the newly added limitations are coming from. *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983) *aff'd mem.* 738 F.2d 453 (Fed. Cir. 1984).

II. Claims **12-20** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 12

line 7, recites "without subjecting the waste directly to the plasma".

If the waste is not subjected directly to the plasma, how is the microbe in the waste inactivated or killed? Doesn't the waste have to touch the plasma in order for this to happen?

III. Claims **12-20** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12

line 7, recites "without subjecting the waste directly to the **plasma**".

line 4, recites "carrying the waste **past waves** produced by the RF plasma wave generator".

Is the plasma the same as the waves produced by the RF plasma wave generator? If it is, then please use the same term to define them.

line 7, "the plasma" lacks antecedent basis.

Claim 15

lines 1-2, it appears that "treating the waste at a rate of at least 20 l/hr" is further limiting the "conditions" recited in claim 12, lines 4-6. However, it is unclear if it is. If it is

not, then what is the relationship between the step of treating the waste at a rate of at least 20 l/hr and the step of carrying the waste past waves produced by the RF plasma wave generator under conditions in which a substantial percentage of the population of a microbe in the waste is inactivated or killed, to produce a treated waste?

Claim 16

lines 1-2, it appears that “treating the waste at a rate of at least 20 l/hr” is further limiting the “conditions” recited in claim 12, lines 4-6. However, it is unclear if it is. If it is not, then what is the relationship between the step of treating the waste at a rate of at least 20 l/hr and the step of carrying the waste past waves produced by the RF plasma wave generator under conditions in which a substantial percentage of the population of a microbe in the waste is inactivated or killed, to produce a treated waste?

Claim 17

lines 1-2, it appears that “treating the waste at a rate of at least 20 l/hr” is further limiting the “conditions” recited in claim 12, lines 4-6. However, it is unclear if it is. If it is not, then what is the relationship between the step of treating the waste at a rate of at least 20 l/hr and the step of carrying the waste past waves produced by the RF plasma wave generator under conditions in which a substantial percentage of the population of a microbe in the waste is inactivated or killed, to produce a treated waste?

Claim 20

lines 1-2, it appears that “treating the waste at a rate of at least 20 l/hr” is further limiting the “conditions” recited in claim 12, lines 4-6. However, it is unclear if it is. If it is not, then what is the relationship between the step of treating the waste at a rate of at least 20 l/hr and the step of carrying the waste past waves produced by the RF plasma wave generator under conditions in which a substantial percentage of the population of a microbe in the waste is inactivated or killed, to produce a treated waste?

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

Claims 12-20 define over the prior art of record because the prior art does not teach or suggest a method for reducing biological contamination in an amount of waste, comprising the steps of providing, carrying and without subjecting as presently claimed, esp., the step of without subjecting the waste directly to the plasma.

The prior art does not contain any language that teaches or suggests the above. *Laroussi* does not teach without subjecting the waste directly to the plasma. Therefore, a person skilled in the art would not have been motivated to adopt the above conditions, and a prima facie case of obviousness cannot be established.

Claims 12-20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st and 2nd paragraphs, set forth in this Office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edna Wong whose telephone number is (571) 272-1349. The examiner can normally be reached on Mon-Fri 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

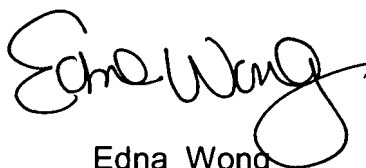
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Edna Wong", with a stylized flourish at the end.

Edna Wong
Primary Examiner
Art Unit 1753

EW

August 19, 2007